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Christoph Nemmaier

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SCHIFF HARDIN, LLP  
PATENT DEPARTMENT  
6600 SEARS TOWER  
CHICAGO, IL 60606-6473

EXAMINER

NILANONT, YOUAPORN

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/528,988	<b>Applicant(s)</b> NEMMAIER ET AL.	
	<b>Examiner</b> YOUAPORN NILANONT	<b>Art Unit</b> 2446	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 14-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-27 is/are rejected.
- 7) ☒ Claim(s) 18 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/24/2005</u> .                                               | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 18-19 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 18 recites that the second source code comprises a text document which does not further limit the method for administration of its parent claim since text document does not change the step of generating the second source code as claimed in claim 14.

Claim 19 recites that the text document in claim 18 comprises manual or specification which does not further limit the method for administration since generating text document, manual, or specification does not change the way the second source code is generated as claimed in claim 14.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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4. Claim 17 recites the limitation "the elements" in page 4 line 20. There is insufficient antecedent basis for this limitation in the claim. For purposes of examination, it has been construed as either the second source code or a program module generated from the second source code comprises a machine program module.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 14-16, 18-19, and 24-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Malik et al. (U.S. Patent No. 5,832,503).

7. **Regarding claim 14**, the Malik reference teaches a method for administration of at least one data object of a printer or copier (see Malik, column 1 lines 64-66 and column 2 lines 13-15), comprising the steps of:

storing at least data of a data object in a databank (see Malik, column 2 lines 3-5 and 13-15, "database", "attribute values", "parameters"), and

associating an identifier with the data object (see Malik, column 2 lines 38-39, "model type");

creating at least one first source code with a plurality of instructions in a programming language (see Malik, column 2 lines 18-19, "creates a template" and column 4 lines 41-45, 23-31), said source code containing the identifier of the data object (see Malik, column 2 lines 18-20, "selecting a model type and...set of attributes");

and from said first source code generating a second source code, the identifier of the data object being replaced by at least one part of the data stored in the databank regarding said data object (see Malik, column 2 lines 20-23, “and then screens a selected model with the template to retrieve the values for each of the attributes...to create a configuration record for the model”).

8. **Regarding claim 15**, Malik teaches a method according to claim 14 wherein the data object contains at least one of the elements selected from the group consisting of a variable and a constant (see Malik, column 2 lines 14-15, “attribute values for the parameters”, and figure 2 “detail section 56”, “attribute 64” and “value 67” and column 10 lines 20-30).

9. **Regarding claim 16**, Malik teaches a method according to claim 14 wherein a program code for execution in a control unit of the printer or copier is generated with aid of the second source code (see Malik, column 3 lines 25-35, column 4 lines 41-45 “inference hanlers”, and column 10 lines 39-40 “turn ports 1 and 2 off and ports 3 and 4 on”).

10. **Regarding claim 18**, Malik teaches a method according to claim 14 wherein the second source code comprises a text document (see Malik, figure 3 “configuration 42”).

11. **Regarding claim 19**, Malik teaches method according to claim 18 wherein the text document comprises at least one of the elements selected from the group consisting of an operating manual, a service manual, and a technical specification of the printer or copier (see the rejection regarding claim 18 as applied above, it is understood

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that these manuals are in a form of text documents and therefore the Malik reference can be applied to claim 19 as well).

12. **Regarding claim 24**, Malik teaches a method according to claim 14 wherein the data of the data object comprises at least one of the elements selected from the group consisting of size, type, name, position within a data object structure, write/read rights, unit, limit values, and function calls for handling of the data object (see Malik, figure 3 “template 40”, “AT\_NET\_ADDR”, “DEVICETYPE”, “DEVICE\_NAME”. It is also understood that database can be created with any type of elements depending on database design choice).

13. **Regarding claim 25**, Malik teaches method according to claim 14 wherein the same identifier is associated with a plurality of data objects, and the identifier in the first source code is replaced by data of a plurality of data objects (see Malik, column 2 lines 13-23 and 27-29).

14. **Regarding claim 26**, Malik teaches a device for administration of at least one data object of a printer or copier, (see Malik, figure 1 “configuration management system 18”) comprising:

a first storage region in which at least data of one data object are stored, and wherein an identifier is associated with the data object (see Malik, column 2 lines 16-17, “configuration manager accesses a set of model types”, column 4 lines 61 “data in the SPECTRUM database”, it is implied that the database is a storage region);

a second storage region in which at least one first source code with a plurality of instructions is stored in a programming language, the source code containing

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the identifier of the data object (see Malik, column 2 lines 17-20, “configuration manager...selecting a model type and one or more attributes from the associated set of attributes”, It is understood that “selecting” as cited in Malik reference implies that there is a storage region that stores template and attributes to be selected by the configuration management system and column 4 lines 41-45, 23-31);

and the device generates from the first source code a second source code in which the identifier of the data object is replaced by at least a part of the data stored regarding said data object (see Malik, column 2 lines 18-23, “configuration manager...and then screens a selected model with the template to retrieve the values for each of the attributes...to create a configuration record for the model”).

15. **Regarding claim 27**, the Malik reference teaches a method for administration of at least one data object of a printer or copier (see Malik, column 1 lines 64-66 and column 2 lines 13-15), comprising the steps of:

storing at least data of a data object in a databank (see Malik, column 2 lines 3-5 and 13-15, “database”, “attribute values”, “parameters”), and

associating an identifier with the data object (see Malik, column 2 lines 38-39, “model type”), the data object containing at least one of the elements selected from the group consisting of a variable and a constant (see Malik, column 2 lines 14-15, “attribute values for the parameters”, and figure 2 “detail section 56”, “attribute 64” and “value 67” and column 10 lines 20-30);

creating at least one first source code with a plurality of instructions in a programming language (see Malik, column 2 lines 18-19, “creates a template” and

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column 4 lines 41-45, 23-31), said source code containing the identifier of the data object (see Malik, column 2 lines 18-20, "selecting a model type and...set of attributes");

from said first source code generating a second source code, the identifier of the data object being replaced by at least one part of the data stored in the databank regarding said data object (see Malik, column 2 lines 20-23, "and then screens a selected model with the template to retrieve the values for each of the attributes...to create a configuration record for the model"); and

generating with aid of the second source code a program code for execution in a control unit of the printer or copier (see Malik, column 3 lines 25-35, column 4 lines 41-45 "inference handlers (functions)", and column 10 lines 39-40 "turn ports 1 and 2 off and ports 3 and 4 on").

### ***Claim Rejections - 35 USC § 103***

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malik et al. (U.S. Patent No. 5,832,503) in view of Black et al. (U.S. Patent No. 7,111,053).

18. **Regarding claim 20**, Malik teaches a method according to claim 14. The Malik reference does not explicitly mention the second source code comprises a management information base or, with aid of the second source code, a management information



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base is generated with whose help at least one of the elements selected from the group consisting of a control unit and a structural unit of the printer are administered.

However, the Black reference discloses a management information base (MIB) as a known method to represent configuration data of devices in simple network management protocol (SNMP) which defines tables and attributes of models (see Black, column 1 lines 37-48).

It would have been obvious to the person having ordinary skill in the art, at the time the invention was made, to have constructed Malik's configuration record with MIB structure as suggested by Black (see Black, column 1 lines 37-48) in order to create a database that is compatible with SNMP standards as indicated in the Malik reference (see Malik, column 4 line 67- column 5 line 1).

19. **Regarding claim 21**, Malik teaches method according to claim 14 wherein the data stored in the databank. Malik does not explicitly teach how data in the databank are accessed.

However the Black reference teaches that data are accessed via a standardized application interface (see Black, column 10 lines 45-58).

It would have been obvious to the person having ordinary skill in the art, at the time the invention was made, to have used Black's method of using JDBC, in order to access data in Malik's database since JDBC is a database driver that provides application portability of JAVA language.

20. Claims 17, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malik et al. (U.S. Patent No. 5,832,503) in view of common practices in the art.

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21. **Regarding claim 17**, Malik teaches a method according to claim 14. Malik does not explicitly teach a method wherein at least one of the elements selected from the group consisting of the second source code and a program module generated from the second source code comprises a machine program module.

However, it was common knowledge in the art at the time of the invention that the high-level programming language such as C++, which is used in Malik, needs to be translated into machine language before the program can be understood by computing devices. Additionally, Black discloses an executable file, which is known in the art to be in machine program code, which is generated from linking object files, which are created from compiling source files (see Black, column 18 lines 4-14).

It would have been obvious to the person having ordinary skill in the art, at the time the invention was made, to have substituted Malik's configuration record used for reconfiguring networked devices with an executable file generated from C++ source file, in order to eliminate the need of having another compiler or software in the networked device itself to interpret the configuration record.

22. **Regarding claim 22**, Malik teaches a method according to claim 14. Malik does not disclose that at least the first source code comprises a script created in a scripting language, the second source code being generated from the data contained in the databank with aid of the script. However, Malik teaches that the models are implemented as object-oriented software such as C++ (see Malik, column 4 lines 23-29 and 41-45) and it was common knowledge in the art at the time of the invention that

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there are other programming languages that can construct object-oriented data structure.

It would have been obvious to the person having ordinary skill in the art, at the time the invention was made, to have selected another scripting language rather than C++ as long as it complies with the object-oriented requirement of the design, in order to accommodate the programmer's skill or preference.

23. **Regarding claim 23**, Malik teaches a method according to claim 14. Malik does not disclose that at least the first source code is created in a scripting language.

However, Malik teaches that the models are implemented as object-oriented software such as C++ (see Malik, column 4 lines 23-29 and 41-45) and it was common knowledge in the art at the time of the invention that there are other programming languages that can construct object-oriented data structure (please see the rejection regarding claim 22 as previously cited).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOUPAPORN NILANONT whose telephone number is (571) 270-5655. The examiner can normally be reached on Monday through Thursday and alternate Friday at 7:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey C. Pwu can be reached on (571) 272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Y. N./

12/08/2008

Examiner, Art Unit 2446

/Jeffrey Pwu/

Supervisory Patent Examiner, Art Unit 2446